

UNITED STATES DISTRICT COURT
Middle District of Alabama

UNITED STATES OF AMERICA

v.

Case Number 2:05-CR-031-LSC

LEE FRANK BANIEL

USM Number 11648-002

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, LEE FRANK BANIEL, was represented by Daniel Gary Hamm.

The defendant pleaded guilty to counts 1 and 2. Accordingly, the defendant is adjudged guilty of the following counts, involving the indicated offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count Numbers</u>
18 USC § 2114(a)	Armed Robbery of a Post Office	8/6/2004	1
18 USC § 924©	Possession of a Firearm During the Commission of a Crime of Violence	8/6/2004	2

As pronounced on June 8, 2006, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$200.00, for counts 1 and 2, which shall be due immediately, payable to the Clerk, U.S. District Court, Middle District of Alabama, P.O. Box 711, Montgomery, AL 36104.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Done this 12th day of June 2006.



L. SCOTT COOLLER
UNITED STATES DISTRICT JUDGE

124019

Defendant: LEE FRANK BANIEL
Case Number: 2:05-CR-031-LSC

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of TWO HUNDRED SEVENTY TWO (272) months. This term consists of 188 months on Count 1 and 84 months on Count 2, with the sentence on Count 2 to run consecutively to the sentence imposed on Count 1. This sentence is to run concurrently with the sentence imposed in the judgment of Montgomery County Circuit Court Case Number CC04-1696.

The Court recommends to the Bureau of Prisons that the defendant be evaluated and allowed to participate in the intensive substance abuse treatment program (500 hour program) and educational/vocational training during his term of imprisonment. The Court also recommends that the defendant be housed as close as possible to his family in Montgomery, AL. The drug treatment and educational/vocational training should take first priority.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this Judgment.

United States Marshal

By

Deputy Marshal

Defendant: LEE FRANK BANIEL
Case Number: 2:05-CR-031-LSC

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 60 months. This term consists of 5 years on Count 1 and 5 years on Count 2, with each count to run concurrently with the other. The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ✓ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ✓ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

Defendant: LEE FRANK BANIEL
Case Number: 2:05-CR-031-LSC

CONTINUATION OF STANDARD CONDITIONS OF SUPERVISED RELEASE

- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Judgment--Page 5 of 6

Defendant: LEE FRANK BANIEL
Case Number: 2:05-CR-031-LSC

SPECIAL CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall participate in drug testing and treatment and shall contribute to the cost of any treatment based on ability to pay and availability of third party payments.
- 2) The defendant shall submit to a search of his person, residence, office, or vehicle, pursuant to the search policy of this court.
- 3) The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Defendant: LEE FRANK BANIEL
Case Number: 2:05-CR-031-LSC

RESTITUTION AND FORFEITURE

RESTITUTION

The court, pursuant to the Victim and Witness Restitution Act, finds that the following is the victim of defendant's criminal conduct and has sustained loss in the indicated amounts and orders restitution by the defendant as follows:

<u>Name & address of payee</u>	<u>Amount</u>
United States Postal Service Postal Inspector J. T. Tynan 135 Catoma Street Montgomery, Alabama 36104	\$215.00

Payments of restitution are to be made to Clerk, U. S. District Court, for transfer to the payee.

Restitution is due and payable immediately. Any balance remaining at the start of supervision shall be paid at the rate of not less than \$25.00 per month.

If there are multiple payees, any payment not made directly to a payee shall be divided proportionately among the payees named unless otherwise specified here: